

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA :  
 :  
vs. : CRIMINAL ACTION NO. 09-00179-KD  
 :  
ERIC SEBASTION BARROW :

ORDER

A status conference was conducted on December 3, 2009, before the undersigned Magistrate Judge. Participating in the conference via telephone were Daniel McCleave, counsel for Defendant, and Assistant U.S. Attorney Sean Costello, counsel for the Government.

At the conference, Mr. McCleave elaborated on his request for a continuance. (Docs. 18, 19). According to Mr. McCleave, additional time is needed in order to ready this case for trial due to the fact that while experts have been identified, defense counsel is awaiting approval from the Court in order to engage the experts. Mr. McCleave explained that Defendant has a history of psychological problems and that as a result, he has requested that Defendant undergo a psychological evaluation. He also advised the indictment in this case charges possession, receipt, distribution and production of child pornography on a computer, that more than 3000 computer images are involved, and that an expert is needed to help ascertain whether, through the use of the "limewire" program, persons other than the Defendant could have accessed his computer. A review of the docket reflects that Defendant's Motion for a

psychological evaluation (Doc. 11 ) was granted on December 3, 2009 (Doc. 20), and that his Motion for a Computer expert (Doc. 17) is still pending before the Court. Counsel for the Government advised that he does not oppose Defendant's continuance request, and that following the psychological evaluation and computer analysis, the Government's experts will need adequate time in which to study and respond to any reports generated by Defendant's experts.

Based upon the representations of counsel, the undersigned concludes that the ends of justice served by continuing this action outweigh the best interests of the public and Defendant in a speedy trial. 18 U.S.C.A. §3161(h)(7)(A). Specifically, the undersigned finds that the request to continue this action so the psychological evaluation and computer analysis can be completed is reasonable. 18 U.S.C.A. §3161(h)(7)(B) (iv). Accordingly, Defendant's request for a continuance is **GRANTED**. This case is hereby **CONTINUED** to the February 2010 criminal term, with jury selection commencing on February 1, 2010. For purposes of the Speedy Trial Act, any delay resulting from this continuance is excludable pursuant to 18 U.S.C. § 3161(h)(7)(A).

Counsel for Defendant is directed to file, by **December 14, 2009**, a Speedy Trial Waiver executed Defendant and his counsel.

The Clerk is **DIRECTED** to refer this case to Magistrate Judge Nelson.

DONE this **4th** day of **December, 2009**.

          /s/ SONJA F. BIVINS            
UNITED STATES MAGISTRATE JUDGE